

1642 \$

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY: Patent Office

DATE: May 30, 2001

BOX FEE AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re: Patent Application of : Group Art Unit: 1642
Skurkovich *et al.* :
:
: Examiner: S. Ungar
:
: Attorney Docket
Appln. No.: 09/487,979 :
Filed: January 20, 2000 :
For: TREATMENT OF AUTOIMMUNE : No. 0011-1U9
DISEASES, INCLUDING AIDS : (53663-5001-09)

RECEIVED

JUN 07 2001

TECH CENTER 1600 2900

RESPONSE TO RESTRICTION REQUIREMENT

This Response is responsive to the Restriction Requirement dated December 6, 2000 (Paper No. 3), in the above-captioned application. This Response is being timely filed in view of the accompanying Petition for a Five-Month Extension of Time, and associated fee, which extends the time for a response to the Restriction Requirement to and through June 6, 2001.

Responsive to the Restriction Requirement, Applicants hereby elect to prosecute the claims of Group II, claims 33-35, 37, 38, drawn to a method of treating acquired immunodeficiency disease with a plurality of autoimmune inhibitors. This election is made without traverse and without prejudice to the inclusion of the subject matter of the non-elected claims in any later filed divisional application.

Further, in the Restriction Requirement, the Examiner has requested that if election is made to the claims of Group II, then a species election must be made to a specified group of autoimmune inhibitors. Applicants hereby elect the group consisting of an antibody to gamma interferon, an antibody to alpha interferon, and an antibody to tumor necrosis factor. This election is made without traverse, and without prejudice to the inclusion of the non-elected subject matter of claims 33-35 in any later filed divisional application.

This Response is accompanied by a Preliminary Amendment that amends the elected claims such that they reflect the species election recited above.

Favorable examination of the claims on the merits is respectfully requested.

Respectfully submitted,

SKURKOVICH *ET AL.*

May 31, 2001
(Date)

By: Kathryn Doyle
KATHRYN DOYLE, Ph.D., J.D.
Registration No. 36,317
MORGAN, LEWIS & BOCKIUS, L.L.P.
1701 Market Street
Philadelphia, PA 19103-2921
Telephone No.: 215-963-5000
Direct Telephone: 215-963-4723
Facsimile: (877) 432-9652
E-Mail: kdoyle@morganlewis.com

KD/JAI